

SUPREME COURT OF ILLINOIS

MONDAY, MARCH 19, 2012

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.24012 - In re: Derrick B. Reese. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and petitioner Derrick B. Reese is reinstated to the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 767 subject to the following conditions, which shall be applicable during the first two (2) years following his reinstatement:

a. Petitioner shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

b. Petitioner shall attend meetings as scheduled by the Commission probation officer. Petitioner shall submit quarterly written reports to the Commission probation officer concerning the status of his practice of law and the nature and extent of his compliance with the conditions of reinstatement;

c. Petitioner shall notify the Administrator within fourteen (14) days of any change of address;

d. Petitioner's practice of law shall be supervised by a licensed attorney acceptable to the Administrator, and petitioner shall provide the name and address of that attorney to the Administrator. Petitioner shall authorize the supervising attorney to provide a report in writing to the Administrator, no less than once every quarter, regarding the nature of petitioner's work, the number of cases being handled by petitioner, and the supervisor's general appraisal of petitioner's continued fitness to practice law;

e. Petitioner shall abstain from the usage of alcohol and any unprescribed controlled substances. Petitioner shall report to the Administrator any lapse in his sobriety or usage of any unprescribed controlled substances within seventy-two (72) hours of that usage;

f. Petitioner shall submit to random substance testing by a qualified mental health professional or facility approved by the Administrator within eight (8) hours of receiving notice by the Administrator that he shall submit to the testing. The results of the tests shall be reported to the Administrator. Petitioner shall pay any and all costs of such testing;

g. Petitioner shall continue his participation in a 12-step program such as Narcotics Anonymous and/or Alcoholics Anonymous by attending at least two (2) meetings per week. Petitioner shall keep a log of his attendance at the meetings and submit it to the Administrator with his quarterly reports;

h. Petitioner shall maintain a sponsor in the 12-step program and shall provide the name, address and telephone number of the sponsor to the Administrator within fourteen (14) days of entry of the Court's final order. Petitioner shall request that the sponsor communicate with the Administrator in writing on a quarterly basis regarding petitioner's participation and progress in the 12-step program and report any lapses in sobriety or usage of unprescribed controlled substances to the Administrator within seventy-two (72) hours of his knowledge of that usage;

i. Petitioner shall participate in a course of treatment with a psychotherapist acceptable to the Administrator and shall comply with all treatment recommendations of the therapist. The frequency and duration of treatment shall be determined by the therapist and petitioner;

j. Petitioner shall provide to his therapist an appropriate release authorizing the treating professional to (1) disclose to the Administrator on at least a quarterly basis information pertinent to the nature of petitioner's compliance with any treatment plan; (2) promptly report to the Administrator petitioner's failure to comply with the plan; and (3) respond to any inquiries by the Administrator regarding petitioner's mental or emotional state or compliance with the treatment plan;

k. Within the first six (6) months of petitioner's return to practice, he shall make restitution to Juanita Tripp in the amount of \$1,500 and provide proof of his payment to the Administrator. In the event Tripp cannot be located, petitioner shall contribute \$1,500 to the Client Protection Program Trust Fund or some other organization acceptable to the Administrator; and

l. Within the first six (6) months of petitioner's return to practice, he shall attend and successfully complete the Attorney Registration and Disciplinary Commission Professionalism Seminar.

Order entered by the Court.

M.R.25070 - In re: Robert James Kennedy. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Robert James Kennedy is suspended from the practice of law for one (1) year and until he makes restitution to HPR Development Company in the amount of \$6,584.62 with interest compounded annually at the rate applied to judgments, commencing December 31, 2008.

Suspension effective April 9, 2012.

Respondent Robert James Kennedy shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.25098 - In re: George Charles Rantis. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board is denied. The charges against respondent George Charles Rantis are dismissed, as recommended by the Review Board.

Order entered by the Court.

M.R.25120 - In re: Monte David Rolls. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Monte David Rolls is suspended from the practice of law for one (1) year and until further order of the Court.

Order entered by the Court.

M.R.25122 - In re: Bruce Duane Carroll. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763 is allowed, and respondent Bruce Duane Carroll, who has been disciplined in the State of California, is suspended from the practice of law in the State of Illinois for one (1) year, with the suspension stayed in its entirety by a two (2) year period of probation, subject to the conditions imposed upon respondent by the Supreme Court of California.

Respondent Bruce Duane Carroll shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.25123 - In re: William G. Wells. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763 is allowed, and respondent William G. Wells, who has been disciplined in the State of California, is disbarred in the State of Illinois.

Order entered by the Court.

M.R.25124 - In re: Michael Frederick Hupy. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763 is allowed, and respondent Michael Frederick Hupy, who has been disciplined in the State of Wisconsin, is reprimanded in the State of Illinois.

Order entered by the Court.

M.R.25136 - In re: Sheldon Lee Banks. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Sheldon Lee Banks is suspended from the practice of law for thirty (30) days and until he makes restitution to Heidi Falbo in the amount of \$1,500 and successfully completes the Attorney Registration and Disciplinary Commission Professionalism Seminar.

Suspension effective April 9, 2012.

Respondent Sheldon Lee Banks shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.25148 - In re: Michael Alan Sue. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Michael Alan Sue is censured and required to successfully complete the Attorney Registration and Disciplinary Commission Professionalism Seminar within one (1) year of the Court's final order of discipline.

Order entered by the Court.

M.R.25161 - In re: Emmett James Marshall. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Emmett James Marshall is disbarred and required to pay restitution within ninety (90) days of the Court's final order of discipline in the following amounts: \$6,500 to Katie Jones, \$5,000 to Jason Harris, and \$982 to Tiffany Reaves.

Order entered by the Court.

M.R.25162 - In re: Albert Liberfarb. Disciplinary Commission.

The motion by Albert Liberfarb to strike his name from the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 762(a) is allowed, effective immediately.

Order entered by the Court.

M.R.25163 - In re: Mark Edward Vietzen. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Mark Edward Vietzen is disbarred.

Order entered by the Court.

M.R.25164 - In re: Bruce A. Brennan. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Review Board is allowed, and respondent Bruce A. Brennan is suspended from the practice of law for four (4) months, with the suspension stayed in its entirety by a one (1) year period of probation subject to the following conditions:

a. Respondent shall abstain from the usage of alcohol and any unprescribed controlled substances;

b. Respondent shall commence within the first thirty (30) days of probation, and thereafter comply with, the course of treatment recommended by a qualified alcohol treatment professional acceptable to the Administrator, including following all treatment recommendations and the taking of medications as prescribed (while the Substance Abuse Assessment of Angela Johns was not admitted into evidence, the Panel suggests that the Administrator approve Ms. Johns as an acceptable treatment professional due to her proximity to respondent and respondent's apparent comfort level with Ms. Johns);

c. Respondent shall keep the Administrator informed, as requested, of his current course of treatment, his attendance, and any change in the course of treatment;

d. Respondent shall provide to the qualified alcohol treatment professional an appropriate release authorizing the treating professional to: 1) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of respondent's compliance with any treatment plan established with respect to respondent's condition; 2) promptly report to the Administrator respondent's failure to comply with any part of an established treatment plan; and 3) respond to any inquiries by the Administrator regarding respondent's compliance with any established treatment plans;

e. Respondent shall notify the Administrator within fourteen (14) days of any change in treatment professionals;

f. Respondent shall, upon request by the Administrator, submit to random substance testing by a mental health professional or facility, within DeKalb County or within a reasonable distance to respondent's home and/or office, approved by the Administrator, within eight (8) hours of receiving notice by the Administrator that he shall submit to the testing. The results of the tests shall be reported to the Administrator. Respondent shall pay any and all costs of such testing;

g. Respondent shall report to the Administrator any lapse in his sobriety or usage of any unprescribed controlled substances within seventy-two (72) hours of that usage;

h. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator. Respondent shall submit quarterly written reports to the Administrator concerning the extent [of] his compliance with the conditions of probation;

i. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

j. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigation relating to his conduct;

k. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation; and

l. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The four (4) month period of suspension shall commence from the date of the determination that any condition has been violated.

Respondent Bruce A. Brennan shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.25174 - In re: Patrick Nicholas Burkhardt. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Patrick Nicholas Burkhardt is suspended from the practice of law for one (1) year and until further order of the Court, with all but the first ninety (90) days stayed by a two (2) year period of probation subject to the following conditions:

a. During the period of suspension and the period of probation, respondent shall continue in a course of treatment with a qualified mental health professional acceptable to the Administrator. Respondent shall comply with the treatment recommendations of the mental health professional as to the nature and frequency of treatment;

b. Respondent shall provide to the mental health professional, an appropriate release authorizing the mental health professional as follows: (1) on at least a quarterly basis, to report to the Administrator information pertaining to respondent's participation and progress in treatment; and (2) to respond to any inquiries from the Administrator concerning respondent's compliance with any treatment plan;

c. During the period of suspension and the period of probation, respondent shall come under the care of a primary care physician acceptable to the Administrator, on at least an annual basis for routine maintenance and management of medical problems;

d. Respondent shall provide to the primary care physician, an appropriate release authorizing the primary care physician, on at least an annual basis, to report to the Administrator information pertaining to respondent's health and treatment;

e. At least thirty (30) days prior to the termination of the period of probation, respondent shall complete and provide proof to the Administrator of the payment of restitution as follows, which include credits for payments already made, or in such other amounts as determined by agreement between respondent and his client's and/or the Director of Enrollment and Discipline of the United States Patent and Trademark Office:

<u>Payee:</u>	<u>Amount:</u>
Gerard Byrd	\$1,000
Thomas McNutt	\$1,500
Victoria White	\$3,500
Brian Grelck	\$1,350

f. Respondent shall, within the first thirty (30) days of probation, enroll in a law office management program sponsored by or through the Cook County, Chicago or other Bar Association and shall, upon enrollment, notify the Administrator, in writing, of the name of the attorney with whom respondent is assigned to work. Respondent shall successfully complete the law office management program at least thirty (30) days prior to the end of the probation term. Through respondent's participation in the law office management program, respondent shall establish and utilize the following:

1. A system for maintaining records as required by Supreme Court Rule 769;

2. A diary and docketing system in accordance with the requirements established by the law office management program, including a mechanism by which approaching statutes of limitations and other filing deadlines are noted;

3. A system by which telephone messages are recorded and telephone calls are returned in a timely manner;

4. A system by which written requests by clients for the status of their legal matters are answered, either orally or in writing, in a timely manner; and

5. A system whereby clients are apprised at the outset of representation of the basis upon which fees will be calculated and costs paid;

g. Respondent shall authorize the attorney assigned to work with him in the law office management program to:

1. Disclose to the Administrator on a quarterly basis, by way of signed reports, information pertaining to the nature of respondent's compliance with the law office management program and the above-described conditions;

2. Promptly report to the Administrator respondent's failure to comply with any part of the above-described conditions; and

3. Respond to any inquiries by the Administrator regarding respondent's compliance with the above-described conditions;

h. Respondent shall successfully complete the Attorney Registration and Disciplinary Commission Professionalism Seminar;

i. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773;

j. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator. Respondent shall submit quarterly written reports to the Administrator concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation;

k. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

l. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct; and

m. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining nine (9) month suspension and until further order of the Court shall commence from the date of determination that any term of probation has been violated.

Suspension effective April 9, 2012.

Respondent Patrick Nicholas Burkhardt shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.25180 - In re: Lisa Anne Webber-Hicks. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763 is allowed, and respondent Lisa Anne Webber-Hicks, who has been disciplined in the State of Tennessee, is suspended from the practice of law in the State of Illinois for four (4) years.

Suspension effective April 9, 2012.

Respondent Lisa Anne Webber-Hicks shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from her conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.25181 - In re: Ronald Everett Scott. Disciplinary Commission.

The petition by respondent Ronald Everett Scott for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent Ronald Everett Scott is censured and required to successfully complete the Attorney Registration and Disciplinary Commission Professionalism Seminar within one (1) year of the Court's final order of discipline, as recommended by the Review Board.

Order entered by the Court.

M.R.25185 - In re: Tracy Peterlin. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Tracy Peterlin is disbarred.

Order entered by the Court.

M.R.25199 - In re: George Mark Zuganelis. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent George Mark Zuganelis is suspended from the practice of law for one (1) year, with all but the first thirty (30) days stayed by an eighteen (18) month period of probation subject to the following conditions:

a. At least thirty (30) days prior to the termination of the period of probation, respondent shall complete and provide proof to the Administrator of the payment of restitution as follows:

<u>Payee:</u>	<u>Amount:</u>
Ernesto Herrera and his counsel, Matthew B. Karchmar	\$5,963.50, plus interest accruing at the statutory rate of 9 percent per annum since May 2011
Miguel Castillo	\$1,800
Sammy Burgos	\$655
Catherine Berger	\$750

b. Respondent shall, within the first thirty (30) days of probation, enroll in a law office management program sponsored by or through the Cook County, Chicago or other Bar Association and shall, upon enrollment, notify the Administrator, in writing, of the name of the attorney with whom respondent is assigned to work. Respondent shall successfully complete the law office management program at least thirty (30) days prior to the end of the probation term. Through respondent's participation in the law office management program, respondent shall establish and utilize the following:

1. A system for maintaining records as required by Supreme Court Rule 769;

2. A diary and docketing system in accordance with the requirements established by the law office management program, including a mechanism by which approaching statutes of limitations and other filing deadlines are noted;

3. A system by which telephone messages are recorded and telephone calls are returned in a timely manner;

4. A system by which written requests by clients for the status of their legal matters are answered, either orally or in writing, in a timely manner; and

5. A system whereby clients are apprised at the outset of representation of the basis upon which fees will be calculated and costs paid;

c. Respondent shall authorize the attorney assigned to work with him in the law office management program to:

1. Disclose to the Administrator on a quarterly basis, by way of signed reports, information pertaining to the nature of respondent's compliance with the law office management program and the above described conditions;

2. Promptly report to the Administrator respondent's failure to comply with any part of the above described conditions; and

3. Respond to any inquiries by the Administrator regarding respondent's compliance with the above described conditions;

d. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773;

e. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator. Respondent shall submit quarterly written reports to the Administrator concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation;

f. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

g. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct; and

h. Probation shall be revoked if respondent is found to have violated any of the terms of probation described above. The remaining eleven (11) month suspension shall commence from the date of determination that any term of probation has been violated and the suspension shall continue until respondent has completed the payment of restitution as outlined in paragraph a.

Suspension effective April 9, 2012.

Respondent George Mark Zuganelis shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.25202 - In re: Manny A. Aguja. Disciplinary Commission.

The motion by Manny A. Aguja to strike his name from the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 762(a) is allowed, effective immediately.

Order entered by the Court.

M.R.25207 - In re: Mark Gerard Mulroe. Disciplinary Commission.

The motion by Mark Gerard Mulroe to strike his name from the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 762(a) is allowed, effective immediately.

Order entered by the Court.

M.R.25211 - In re: Marc Robert Engelmann. Disciplinary Commission.

The motion by Marc Robert Engelmann to strike his name from the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 762(a) is allowed, effective immediately.

Order entered by the Court.

M.R.25212 - In re: Kenneth Gurber. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Kenneth Gurber is suspended from the practice of law for two (2) years and until further order of the Court, with the suspension stayed after thirty (30) days by a two (2) year period of probation, subject to the following conditions:

a. Respondent shall abstain from the usage of alcohol and any unprescribed controlled substances;

b. Respondent shall, as required by the Administrator, submit to random substance testing by a qualified mental health professional or facility approved by the Administrator, within eight (8) hours of receiving notice by the Administrator that he shall submit to the testing. The results of the tests shall be reported to the Administrator. Respondent shall pay any and all costs of such testing;

c. Respondent shall continue in his course of treatment with Dr. David Powell or a qualified psychiatrist acceptable to the Administrator, comply with all treatment recommendations of the psychiatrist, take prescribed medications, and provide appropriate releases to the treating professional(s) to allow reports to the Commission on a regular basis of not less than four (4) times per year, with the Administrator advised of any change in attendance deemed warranted by such professional(s);

d. Respondent shall provide to Dr. Powell, or such other qualified mental health professional, an appropriate release authorizing the treating professional to: (1) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of respondent's compliance with any treatment plan established with respect to respondent's condition; (2) promptly report to the Administrator respondent's failure to comply with any part of an established treatment plan; and (3) respond to any inquiries by the Administrator regarding respondent's mental or emotional state or compliance with any established treatment plan;

e. Respondent shall attend meetings as scheduled by the Commission probation officer. Respondent shall submit quarterly written reports to the Commission probation officer concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation;

f. Respondent shall participate in a 12-step program such as Alcoholics Anonymous, by attending at least two (2) meetings a week. Respondent is to maintain a log of his attendance at the meetings and submit it to the Administrator with his quarterly reports;

g. Respondent shall maintain a sponsor in the 12-step program and shall provide the name, address and telephone number of the sponsor to the Administrator within fourteen (14) days of being placed on probation. Respondent shall request that the sponsor communicate with the Administrator in writing on a quarterly basis regarding respondent's participation and progress in the 12-step program and report any lapses in sobriety or usage of unprescribed controlled substances to the Administrator within seventy-two (72) hours of his knowledge of that usage;

h. Respondent shall report to the Administrator any lapse in his sobriety or usage of any unprescribed controlled substances within seventy-two (72) hours of that usage;

i. Respondent shall comply with the provisions of Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

j. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

k. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct;

l. Respondent shall notify the Administrator within seven (7) days of any arrest or charge alleging his violation of any criminal or quasi-criminal statute or ordinance;

m. Respondent shall notify the Administrator within fourteen (14) days of any change of address; and

n. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining twenty-three (23) month period of suspension shall commence from the date of the determination that any term of probation has been violated and shall continue until further order of the Court.

Suspension effective April 9, 2012.

Order entered by the Court.

M.R.25214 - In re: John Allen O'Malley. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent John Allen O'Malley is censured.

Order entered by the Court.